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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,261	09/26/2003	Dave J. Burns	I004-P06273US	4900

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EXAMINER	
TIEU, BINH KIEN	
ART UNIT	**PAPER NUMBER**
2614	
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12/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/670,261	BURNS ET AL.	
	Examiner	Art Unit	
	/BINH K. TIEU/	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13,18,20-29,34 and 36-45* is/are rejected.

7)☒ Claim(s) *14-17,19,30-33 and 35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/30/03, 7/1/05, 2/13/06, 4/27/06.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-7, 9-13, 18, 20-25, 28-29, 34 and 36-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffie et al. (US. Pat. #: US 6,594,343) in view of Chong (US 6,434,221).

Regarding claim 1, Duffie et al. ("Duffie") teaches a method of verifying a connection between a subscriber station and a network (i.e., connection as shown in figures 7 and 8) wherein a gateway (i.e., DSLAM 12) resides intermediate the subscriber station and the network, the method comprising the steps of:

introducing a tester into the connection (i.e., connecting test equipment 8 to an xDSL data connection, col.6, lines 13-45); and

remotely instructing the tester to perform at least one connectivity test between the gateway and the network (col.6, lines 46-62).

It should be noticed that Duffie fails to clearly teach the feature of generating an output reporting a result of the at least one connectivity test. However, Chong teaches such features in col.9, lines 47-65 for a purpose of indicating test results to a requester.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of generating an output reporting a result of the at least one connectivity test as taught by Chong, into view of Duffie in order to presenting the test results to a user upon request.

Regarding claim 2, note the DSLAM 2 in figure 7 and 9 of Duffie reference and the DSLAM in figure 1 or DSLANTM 100 in figure 2 of Chong reference.

Regarding claim 3, Duffie further teaches the facility (loop) connected between the DSLAM 12 and the Customer Premises 30 as shown in figures 6 through 8.

Regarding claims 4-5, Chong further teaches limitations of the claim in col.4, lines 46-49 and col.1, lines 58-63.

Regarding claim 6, Duffie further teaches limitations of the claim in col.6, lines 48-52.

Regarding claim 7, Duffie further teaches the direction of dotted arrow (metallic access) as limitations of the claim in figures 7 and 8, note col.6, lines 12-32.

Regarding claim 9-10, Duffie teaches the dotted line arrows of Metallic Access tests, as shown in figures 4 through 8; and Chong teaches the features of displaying test result reports requested by users in col.9, lines 47-65.

Regarding claims 11 and 18, Duffie teaches the cross connect unit 20, as shown in figure 9, which allows ILECs and CLECs to remotely test the copper loop (se ecol.6, lines 46-52); and Chong teaches the features of displaying test result reports requested by users in col.9, lines 47-65.

Regarding claims 12-13, Chong further teaches limitations of the claims in figures 1 and 2.

Regarding claim 20, Duffie teaches a system for verifying a connection between a subscriber station and a network (i.e., connection as shown in figures 7 and 8) wherein a gateway (i.e., DSLAM 12) resides intermediate the subscriber station and the network, the system comprising:

means for introducing a tester into the connection (i.e., connecting test equipment 8 to an xDSL data connection, col.6, lines 13-45); and

means for remotely instructing the tester to perform at least one connectivity test between the gateway and the network (col.6, lines 46-62).

It should be noticed that Duffie fails to clearly teach the feature of generating an output reporting a result of the at least one connectivity test. However, Chong teaches such features in col.9, lines 47-65 for a purpose of indicating test results to a requester.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of generating an output reporting a

result of the at least one connectivity test as taught by Chong, into view of Duffie in order to presenting the test results to a user upon request.

Regarding claim 21, Duffie teaches a system for verifying a connection comprising:

a subscriber station (i.e., computer 10, telephone 4, etc. in figure 2);

a network connected to the subscriber station via a gateway, the gateway operable to translate communication between the subscriber station and the network (note the DSLAM 12 in figure 7 and 9);

a tester for connection into the network, the tester operable to receive remote instruction to perform at least one connectivity test over at least a portion of a connection spanning the subscriber station and the network (i.e., test equipment 8; note col.6, lines 13-45); and

a host connected to the tester fro remotely instructing the tester to perform the at least one connectivity test (col.6, lines 46-62).

It should be noticed that Duffie fails to clearly teach the feature of the host to receive reports thereof from the tester. However, Chong teaches such features in col.9, lines 47-65 for a purpose of indicating test results to a requester.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the host to receive reports thereof from the tester, as taught by Chong, into view of Duffie in order to presenting the test results to a user upon request.

Regarding claim 22, note the DSLAM 2 in figure 7 and 9 of Duffie reference and the DSLAM in figure 1 or DSLANTM 100 in figure 2 of Chong reference.

Regarding claim 23, Duffie further teaches the facility (loop) connected between the DSLAM 12 and the Customer Premises 30 as shown in figures 6 through 8.

Regarding claim 24, Chong further teaches limitations of the claim in col.4, lines 46-49 and col.1, lines 58-63.

Regarding claim 25, Duffie further teaches limitations of the claim in col.6, lines 48-52.

Regarding claim 28, Duffie teaches the dotted line arrows of Metallic Access tests, as shown in figures 4 through 8; and Chong teaches the features of displaying test result reports requested by users in col.9, lines 47-65.

Regarding claim 29, Chong further teaches the DSLAM connected to Internet as shown in figures 1 and 2.

Regarding claim 34, Duffie teaches the cross connect unit 20, as shown in figure 9, which allows ILECs and CLECs to remotely connect to the tester and to test the copper loop (see col.6, lines 46-52); and Chong teaches the features of displaying test result reports requested by users in col.9, lines 47-65.

Regarding claims 36-45, Duffie teaches a method and a system for remotely verifying a xDSL connection between a subscriber station, i.e.,·a computer 10, a telephone 4, etc. as shown in figure 2, and the DSLAM 12 connected to a high speed data network, such as Internet. Duffie also teaches remotely verifying a voice connection between the subscriber premises and POTS equipment located at a central office such as the POTS equipment 2. Duffie further teaches a Control and Management Circuit 100 connected to a Test Equipment 8 as shown in figure 4. The Control and Management Circuit 100 provides variety of test modes such as dotted lines of arrows for different Metallic Access tests as shown in figures 4 through 8. The Metallic Access

test shown in figure 4 allows the external test equipment 8 to test the path from the subscriber line or loop all the way to the POTS equipment 2 (see col.5, lines 38-58). The Metallic Access test shown in figure 5 allows the external test equipment 8 to bypass the splitter 24 to test only the subscriber loop as shown in the dotted arrow (col.5, lines 58-67). The Metallic Access test shown in figure 6 allows the external test equipment 8 to test the path between the splitter and POTS equipment 2 (col.6, lines 1-12). The Metallic Access test shown in figure 7 allows the external test equipment 8 to test the path between the splitter and DSLAM 2 (col.6, lines 13-25). The Metallic Access test shown in figure 8 allows the external test equipment 8 to test the path from the subscriber line or loop all the way to the DSLAM 2 (see col.6, lines 26-32). Duffie further teaches the test commands are sent from a cross connect unit 200 by ILECs and CLECs and the tests are remotely initiated from said cross connect unit 200 (see col.6, lines 46-62).

It should be noticed that Duffie fails to clearly teach the feature of the host to receive test result reports thereof from the tester. However, Chong teaches such features in col.9, lines 47-65 for a purpose of indicating test results to a requester.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the host to receive test result reports thereof from the tester, as taught by Chong, into view of Duffie in order to presenting the test results to a user upon request.

3. Claims 8 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duffie et al. (US. Pat. #: US 6,594,343) in view of Chong (US 6,434,221) as applied to claims 1 and 6 above, and further in view of Schneider et al. (US Pat. #: 6,477,238).

Regarding claims 8 and 26-27, Duffie and Chong, in combination, fails to clearly teach the features of the tester are introduced using a manual connection. However, Schneider et al. ("Schneider") teaches such features in col.12, lines 48-61 for purposes of testing and certifying a subscriber line.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the tester is introduced using a manual connection, as taught by Schneider, into view of Duffie and Chong in order to test and to certify the subscriber line.

Allowable Subject Matter

4. Claims 14-17, 19, 30-33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chea, Jr. et al. (US. Pat. #: 6,574,309) also teaches a system and a method of remotely verifying connections of xDSL services on subscribers' loops.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: December 2007